

COMMITTEE REPORT



Date: May 11, 2017

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (MS)

Application: LL17-0002 **Owner:** Aura Rose
Wouter Van der Hall

Address: 2270 Garner Road **Applicant:** House of Rose Vineyards Ltd.

Subject: Liquor License Application for a Special Event Areas Endorsement

1.0 Purpose

The application is for a Special Events Area Endorsement to an existing Manufacturing and Tasting Liquor License in an A1 – Agriculture 1 zone with an occupant load of 150 persons maximum for no more than 10 music events per year, in addition to several harvest / seasonal events per year.

2.0 Proposal

2.1 Background

In the fall of 2016, the LCLB made changes to the *Liquor Control and Licensing Regulation*¹ that prohibits amplified sound in Picnic Areas, but permits them in Special Events Areas. In addition, it placed a limit on the capacity of Picnic Areas to 30.

The request is to respond to changes made by the Liquor Control and Licensing Board (LCLB). For five years, the applicant has held events in their Picnic Endorsement Area. They wish to continue to have 10 events per year, in addition to 2 harvest festivals and one seasonal Christmas festival, at their winery with amplified sound, no later than 9:30 pm.

In addition, in 2016, the Ministry of Agriculture now allows for up to 10 events per year in the Agricultural Land Reserve. ALC staff have confirmed that through the ALC Regulation, a maximum of 10 gatherings per year are permitted outside of a designated winery lounge area². Harvest festivals are permitted in addition to these 10 events. The proposed conditions of the business license will conform to the ALC Regulation.

¹ Queen's Printer. Dec. 7, 2016. Liquor Control and Licensing Regulation.
http://www.bclaws.ca/civix/document/id/complete/statreg/241_2016

² S. Runka, Dec. 14, 2016. Agricultural Land Commission, Policy Planner. Personal Communication.

2.2 Proposal

The request is to add a Special Events Area Endorsement to the House of Rose Winery. The winery currently has a Manufacturing License, a Tasting License and a Picnic Areas Endorsement.

The applicant seeks support for the a Special Events Area Endorsement in order to hold up to 10 music events and several harvest/seasonal event per year to no later than 9:30 pm. This will allow amplified sound and an occupant load of 150 person maximum for the events.

The applicant has agreed to include the condition of a maximum 10 music events per year, in addition to several harvest or seasonal events, into their annual business license.

The person capacity and hours of liquor service of the establishment: 150 persons during the hours noted below:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM
6:00 PM	6:00 PM	6:00 PM	9:30 PM	9:30 PM	9:30 PM	6:00 PM

The impact of traffic will be that of 150 people, with minors permitted when accompanied with adults, attending 13 events per year as proposed, in the early evening and leaving before 9:30 PM.

The noise on the community in the immediate vicinity will be due to amplified sound during the special events to the hours noted. The ALC has provided correspondence that special events, not including harvest and seasonal festivals, are limited to 10 events per year outside the winery licensed area. The noise impact will be for this number of events to the times stated in the application, a maximum of 9:30 pm. The noise is not expected to be additional to what has been conducted over the last several years under the Picnic Area Endorsement. In addition, the City of Kelowna Noise and Disturbances Control Bylaw No. 6647 will apply.

Parking will be provided on site in grassed areas and along internal roadways. Permanent hard surfacing is not proposed.

Zoning of A1 – Agriculture permits wineries and cideries within the zone.

2.3 Site Context

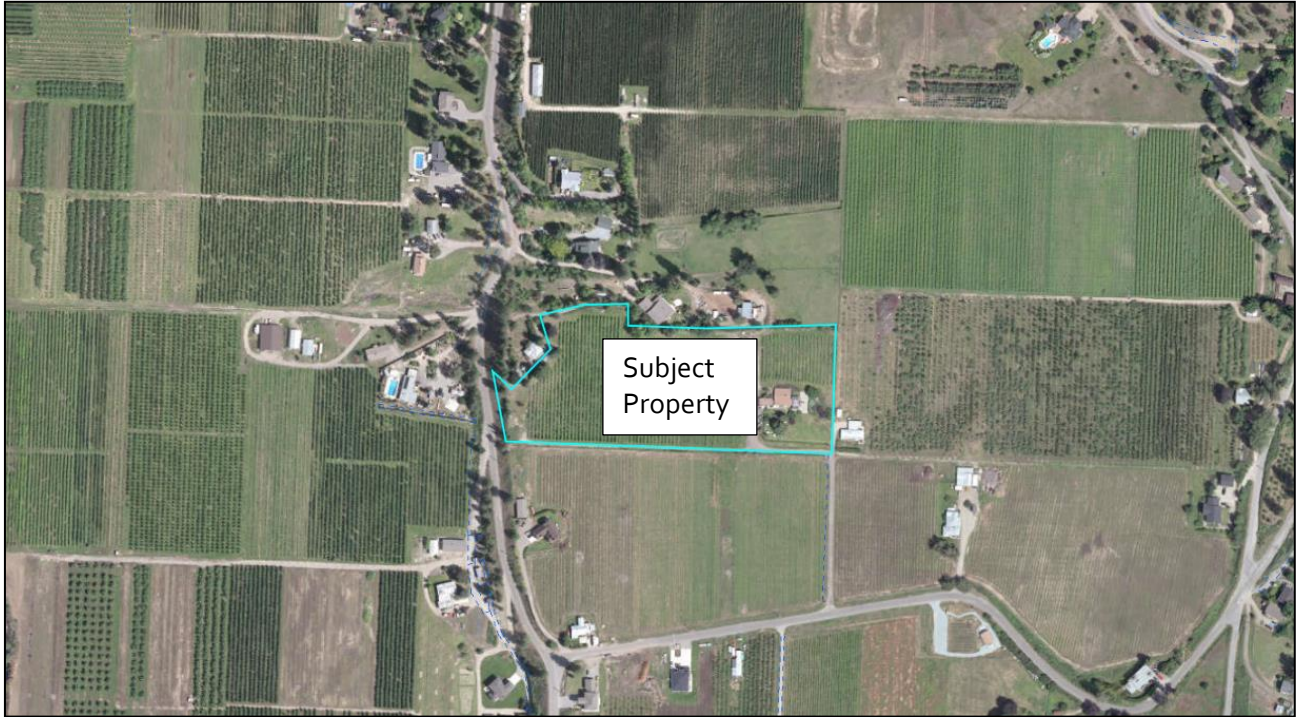
The House of Rose Winery is located at 2270 Garner Road. It is within the Belgo / Black Mountain Sector of the City. The property is zoned A1 – Agriculture 1 and is within the Resource Protection Area Future Land Use designation. The property is 2.78 hectares (6.87 acres).

Access is provided to the property through an easement via 2288 Garner Road. Staff have reviewed the easement document which states that 2288 Garner Road shall give unimpeded access without restriction to the subject property.

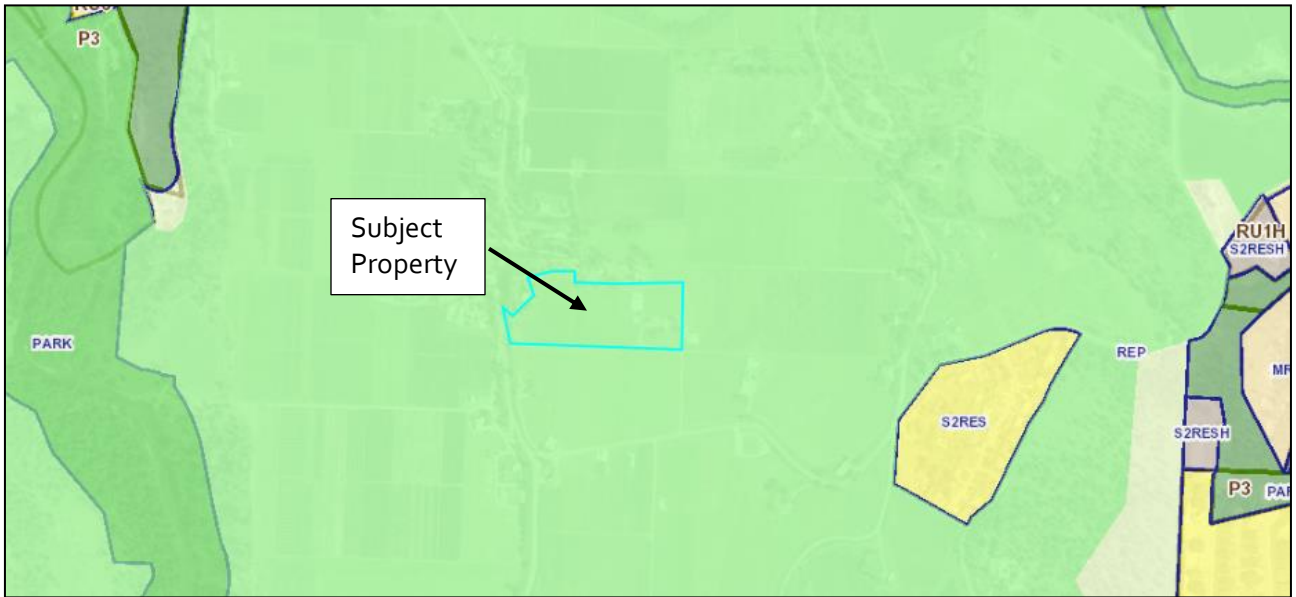
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture 1 / ALR	Agriculture / Rural Residential
East	A1 - Agriculture 1 / ALR	Agriculture
South	A1 - Agriculture 1 / ALR	Agriculture
West	A1 - Agriculture 1 / ALR	Agriculture / Rural Residential

Subject Property Map: 2270 Garner Road



Future Land Use: 2270 Garner Road



Special Events Area: 2270 Garner Road



3.0 Current Development Policies

3.1 Kelowna Official Community Plan (OCP)

Agri-tourism, Wineries, Cideries, Retail Sales.³ Support agritourism uses that can be proven to be in aid of and directly associated with established farm operations. Permit wineries, cideries and farm retail sales (inside and outside the ALR) only where consistent with existing ALC policies and regulations.

3.2 Council Policy #359 – Liquor Licensing Policy & Procedures

New patios associated with liquor establishments should be located and designed to limit potential impacts on surrounding property owners.

3.3 Noise and Disturbances Control Bylaw No. 6647 Section 3.3

No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or any person in the vicinity.

³ City of Kelowna Official Community Plan, Policy 5.33.5 (Development Process Chapter).

3.4 Agricultural Land Commission Regulation - Section 3(4)⁴

The following non-farm uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable treaty first nation government:

(k) gathering for an event, if all of the following conditions are met:

(i) the farm must be located on land classified as a farm under the [Assessment Act](#);

(ii) permanent facilities must not be constructed or erected in connection with the event;

(iii) parking for those attending the event must be available on the farm, but must not be permanent nor interfere with the farm's agricultural productivity;

(iv) no more than 150 people, excluding residents and employees of the farm, may be gathered on the farm at one time for the purpose of attending the event;

(v) the event must be of no more than 24 hours duration;

(vi) no more than 10 gatherings for an event of any type may occur on the farm within a single calendar year.

4.0 Community Planning

Council and staff are seeking a recommendation from the AAC with respect to the proposed liquor license Special Events Areas Endorsement in the ALR. The AAC should pay particular attention to potential impacts to agriculture on site and also how the activities may impact adjacent farming operations.

In addition, the AAC should consider potential impacts to agricultural land City-wide should this precedent be established. Recommendations for safeguards to ensure farming is maintained should be considered.

Regardless of whether or not the AAC recommendation that Council supports the application, AAC members should consider measures to protect agriculture on site and surrounding farm operations should City Council provide a recommendation of support for the Special Events Area Endorsement.

Report prepared by:

Melanie Steppuhn, Land Use Planner

Approved for Inclusion:



Ryan Smith, Community Planning Manager

Attachments:

Applicant Package

⁴ ALC, Jan. 23, 2017. ALR Use, Subdivision and Procedure Regulation - Section 3(4)(k) Gathering for an Event